FILED

AUG 09 2011

Board of Examiners of Electrical Contractors

PAULA T. DOW ATTORNEY GENERAL OF NEW JERSEY P.O. Box 45029 124 Halsey Street, Fifth Floor Newark, NJ 07101

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF
ELECTRICAL CONTRACTORS

IN THE MATTER OF THE LICENSE OF

RALPH FREUDEMAN t/a LAKE ELECTRIC License and Business Permit #8485

TO PRACTICE ELECTRICAL CONTRACTING IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners of Electrical Contractors ("the Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are provisionally made:

FINDINGS OF FACT

- 1. Respondent is a licensed electrical contractor in the State of New Jersey and has been a licensee and a business permit holder under the name of Lake Electric at all times relevant hereto.
- 2. On March 2, 2005, the Board entered a Final Order of Discipline against respondent. The Final Order of Discipline found that respondent contracted to perform, or performed electrical work, without having a valid business permit issued by the Board in violation of N.J.S.A. 45:5A-9. Respondent was assessed a civil penalty in the amount of \$1,000 which was to be forwarded to the Board within fifteen (15) days of the date of the final order.

- 3. Respondent failed to forward the \$1,000 civil penalty to the Board. As a result, the Board sent a letter to respondent, dated October 19, 2005, instructing respondent to forward payment of the entire civil penalty amount within ten (10) days of receipt of the letter. The letter was sent via regular and certified mail to respondent's address of record. The certified mailing was returned indicating "Unclaimed". The regular mail was not returned. Respondent did not forward payment of the civil penalty as instructed.
- 4. In May, 2008, the Board received a complaint from consumer D.J. indicating that respondent failed to provide a contract for work being performed at 16 Baker Street in Rockaway, New Jersey, and did not perform quality electrical work.
- 5. On March 11, 2009, respondent appeared before the Board concerning the complaint of D.J., as well as his failure to correct violations cited in the work performed and his failure to provide a contract. Additionally, respondent appeared regarding his failure to pay the \$1,000 civil penalty pursuant to the Final Order of Discipline filed on March 2, 2005. Respondent was instructed during the inquiry to submit copies of all permits and inspections conducted concerning the work performed for D.J. Respondent stated a contract was not entered because respondent was a friend of D.J.'s sister. Regarding his failure to pay the \$1,000 penalty pursuant to the March 2, 2005 Final Order of Discipline, respondent stated he thought his wife, who passed away in May 2005, had paid the penalty. At the conclusion of the inquiry, respondent stated he would forward the permits and inspections, as well as the \$1,000 penalty to the Board.
- 6. To date, respondent has not paid the \$1,000 civil penalty pursuant to the Final Order of Discipline filed on March 2, 2005, nor has he provided copies of the permits and inspections concerning the work performed for D.J.

CONCLUSIONS OF LAW

Respondent's failure to pay the \$1,000 civil penalty pursuant to the March 2, 2005 Final Order of Discipline constitutes a failure to comply with an order duly entered and served upon a

licensee or of which the licensee has knowledge, pursuant to N.J.A.C. 13:45C-1.4 and is professional or occupational misconduct in violation of N.J.S.A. 45:1-21(e), subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-22. Furthermore, respondent's failure to obtain a contract for electrical work performed, in violation of Home Improvement Practices regulation N.J.A.C. 13:45A-16.2(a)12, which requires that home improvement contracts in excess of \$500 be in writing. Finally, respondent's failure to provide copies of the permits and inspections, as sought by the Board, as part of its investigative authority, constitutes a failure to cooperate, pursuant to N.J.A.C. 13:45C-1.2, and is deemed to be professional or occupational misconduct in violation of N.J.S.A. 45:1-21(e). These violations constitute second and subsequent violations which subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on March 14, 2011. A copy of the Order was forwarded to respondent's address of record, via certified and regular mail. The certified mail was returned indicating it was "unclaimed" and the regular mail was not returned. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following its entry unless respondent requested a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal, setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed, and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Respondent failed to reply to the Provisional Order of Discipline entered on March 14, 2011or pay the civil penalty issued pursuant to the March 2, 2005 Final Order of Discipline. Since the Provisional Order of Discipline was served at respondent's address of record, the Board deems service to be effected. Respondent can not evade process by failing to respond. As such, the

Board determined that the Provisional Order of Discipline, entered on March 14, 2011, is to be finalized as filed.

ACCORDINGLY, IT IS on this 9th day of August, 2011
ORDERED that:

- i. Respondent's license and business permit are hereby suspended until such time as he complies with the Final Order of Discipline dated March 2, 2005 and satisfies the \$1,000 civil penalty.
- An additional civil penalty, for the 2008-2011 conduct, in the amount of \$2,000 is hereby imposed upon respondent, pursuant to N.J.S.A. 45:1-22, comprised of a \$500 penalty for a violation of N.J.A.C. 13:45C-1.2, a \$500 penalty for a violation of N.J.A.C. 13:45C-1.4, and a \$1,000 penalty for a violation of N.J.A.C. 13:45A-16.2(a)12. This penalty totaling \$2,000 shall be paid by money order or certified check made payable to the State of New Jersey and delivered to the Board of Examiners of Electrical Contractors, P.O. Box 45006, 124 Halsey Street, Sixth Floor, Newark, NJ ,07101, no later than thirty (30) days after entry date of this Final Order of Discipline. In the event respondent fails to make a timely payment, a certificate of debt shall be filed and, in addition to the sanctions herein, the Board may take such further action as it deems appropriate.
- 3. The aggregate civil penalty totals of \$3,000 (i.e. \$1,000 penalty for the March 2, 2005 Final Order of Discipline and \$2,000 penalty for 2008-2011 conduct pursuant to this order) shall be paid by money order or certified check made payable to the State of New Jersey and delivered to the Board of Examiners of Electrical Contractors, P.O. Box 45006, 124 Halsey Street, Sixth Floor, Newark, NJ, 07101, no later than thirty (30) days after entry of any Final Order of Discipline in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed and, in addition to the sanctions herein, the Board may take such further action as it deems appropriate.
 - 4. Respondent's license and business permit are hereby suspended indefinitely in the

event respondent fails to comply with any of the terms of this order.

- 5. A public reprimand is hereby imposed upon respondent for his violation of <u>N.J.A.C.</u> 13:45C-1.2 and <u>N.J.A.C.</u> 13:45C-1.4.
- 6. Respondent is hereby required to submit all documentation of continuing education courses taken to date for the 2009-2012 cycle, pursuant to N.J.S.A. 45:1-22.
- 7. In the event that respondent's license and business permit are suspended pursuant to the terms of this order, respondent shall forward his pressure seal to the Board as required by N.J.A.C. 13:31-3.3(c).

STATE BOARD OF EXAMINERS
OF ELECTRICAL CONTRACTORS

Joseph P. Schooley